

**United States Department of the Interior
Bureau of Land Management**

**Finding of No Significant Impact and
Decision Record
September 2018**

**Environmental Assessment
DOI-BLM-CA-D080-2018-0027-EA**

**DUMONT
COMMUNICATION SITE**

Location: Dumont Dunes

Legal Description: T.18 N., R.7 E., Sec.5, W1/2 SE1/4, Sec. 8 W1/2 NE1/4,
S1/2 NE1/4 SBBM, California

Case File #: CACA-55507

Applicant/Address: InterConnect Towers, LLC
27762 Antonio Parkway, L1-471
Ladera Ranch, California 92694

Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
(760) 252-6000
(760) 252 6099



FINDING OF NO SIGNIFICANT IMPACT
Environmental Assessment
DOI-BLM-CA-D080-2018-0027-EA
Dumont Communication Site

INTRODUCTION:

The Bureau of Land Management (BLM) has received an application from Interconnect Towers Inc. for a new communication site. The communication site would include a communication tower, equipment buildings, fence, access road and temporary staging area. The BLM has conducted an environmental analysis (DOI-BLM-CA-2018-0027-EA) for the proposed action to respond to the Federal Land Policy and Management Act (FLPMA) right-of-way (ROW) application.

The project site is located approximately 30 miles north of the community of Baker, and 2 miles east of California State Highway 127. The approximate coordinates for the Project Site is Latitude: 35°40'00.5"N, 116°15'38.7"W at an elevation of approximately 1,290 feet above mean sea level. Public Lands Survey System sections have not been monumented in the area, but the site is projected to be located in the NW1/ SE1/4 of Section 8, Township 18 North, Range 7 East (San Bernardino Base Meridian). The project site is located entirely on BLM-administered land under jurisdiction of the Barstow Field Office.

EA # DOI-BLM-CA-D080-2018-0027-EA, is available at the Barstow Field Office and electronically at <https://eplanning.blm.gov/epl-front-office/eplanning/projectSummary.do?methodName=renderDefaultProjectSummary&projectId=107917>, and is incorporated by reference for this Finding of No Significant Impact.

FINDING OF NO SIGNIFICANT IMPACT:

Based upon the Environmental Assessment (DOI-BLM-CA-D080-2018-0027-EA) and the supporting documents, the Proposed Action is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA) to the California Desert Conservation Area Plan (CDCA) of 1980, as amended. Therefore, an environmental impact statement is not needed.

This finding is based on the context and intensity of the project as described:

Context: The Proposed Action involves issuing a communications site use lease and right-of-way (ROW) for (1) a communication site that includes Communication tower, solar array, equipment cabinets, backup generators, supporting elements; (2) an access road; and (3) a temporary staging area. The total ROW grant would be for 2.29 permanent acres.

The project site is located within the Mojave Silurian Valley (MSV) California Desert National Conservation Lands (CDNCL), the access road and staging area is located within the Dumont Dunes Special Recreation Management Area (SRMA) and Dumont Dunes Off-Highway Vehicle (OHV) Open area. The DRECP LUPA, relevant to the project area, has established this area to

be managed as a Visual Resource Management (VRM) Class II. The project site is not within an Area of Critical Environmental Concern (ACEC), General Public Lands (GPL), Development Focus Area (DFA), Variance Processed Lands (VPL).

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered and supplemental Instruction Memorandum, Acts, regulations and Executive Orders.

1) *Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* Potential impacts include air quality emissions, vegetation removal, surface disturbance and temporary noise and dust due to construction activities. However, none of these impacts would be significant at the local scale or cumulatively because of the small-scale footprint of the project and the project design features and mitigation measures that would reduce impacts to immeasurable levels.

The Proposed Action would improve communications transmission capability in the region and enhance an existing wireless broadband communications infrastructure to service the seasonally heavily visited Dumont Dunes OHV area.

2) *The degree of the impact on public health or safety.* No aspects of the project have been identified as having the potential to significantly and adversely impact public health or safety. The increased communication transmission capability also creates an added safety benefit for both phone and wireless users in the coverage area served by the Proposed Action.

3) *Unique characteristics of the geographic area.* The Proposed Action is located within the MSV CDNCL. The overarching goals of this CDNCL for the proposed location is to provide habitat connectivity for terrestrial dwelling reptiles, mammals and burrowing owls. The MSV CDNCS is 15 percent below the ground disturbance cap of one percent as established in DRECP. The total proposed project acreage of 2.29 acres will not exceed the disturbance cap acreage. The Proposed Action would not adversely affect the nationally significant values for which the project area was designated as CDNCL. The Proposed Action is also in compliance with the VRM Class II classification and would not adversely affect the values for which the area was designated as a SRMA and OHV Open area. Best management practices as outlined in EA, Appendix D will be implemented.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* No anticipated effects have been identified that are scientifically controversial. As a factor for determining within the meaning of 40 C.F.R. § 1508.27(b)(4) whether or not to prepare a detailed environmental impact statement, "controversy" is not equated with "the existence of opposition to a use" (Northwest Environmental Defense Center v. Bonneville Power Administration, 117 F.3d 1520, 1536 (9th Cir. 1997)). The term "highly controversial" refers to instances in which "a substantial dispute exists as to the size, nature, or effect of the major federal action rather than the mere existence of opposition to a use" (Hells Canyon Preservation Council v. Jacoby, 9 F.Supp.2d 1216, 1242 (D. Or. 1998)).

5) *The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that this action would involve any unique or unknown risks.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The Proposed Action is specific to the ROW area applied for. This action is not expected to set a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant site specific or cumulative impacts have been identified. The project is consistent with the actions and impacts anticipated in the applicable management plans.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* As identified in the EA, the archaeological survey did not encounter any evidence of human activities dating to the prehistoric or historic period. No historic or archaeological resources exist within or adjacent to the Area of Potential Effect (APE) and therefore, there is no effect to historic properties for the Proposed Action. If cultural resources are discovered during construction all work shall stop and the BLM's Authorized Officer shall be contacted immediately.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* No special status plant species were documented within the project area or immediate vicinity during focused rare plant surveys and vegetation mapping surveys. No special status wildlife species were documented within the project area or immediate vicinity during focused surveys, including protocol desert tortoise survey. No impacts to DRECP Focus Species nor their habitat will take place. However, there is potential for migratory birds protected by the Migratory Bird Treaty Act (MBTA). Best management practices as outlined in the EA, Appendix D, Section 1.3.2 will be implemented.

10) *Whether the action threatens a violation of environmental protection law or requirements.* The Proposed Action complies with law, regulation and policy. State, local, and tribal interests were given the opportunity to participate in the environmental analysis process. There was no response from any of the Tribes. In addition, the project is consistent with applicable land management plans, policies, and programs.

DECISION RECORD
Environmental Assessment (EA)
DOI-BLM-CA-D080-2018-0027-EA
Dumont Communication Site

Introduction:

InterConnect Towers, Inc. applied for a communication site including an access road, 2.29 acres for an 11,400 square foot communication site, a 14-foot wide easement over an existing dirt road for 5,600 feet in length, and a 100 feet by 100 feet staging area.

Decision:

It is my decision to implement Alternative 2 (Proposed Action Alternative including best management practices) that will authorize the construction, operation, maintenance and decommission of a communication site, staging area, and access road, serialized under CACA-55507. The terms and conditions of the right-of-way are attached as Exhibit B.

Authorities: The communication lease will be made under the authority of Title V of the Federal Land Management and Policy Act (FLPMA), 43, CFR 2800. The lease will be subject to the design features identified in the EA and stipulations attached to the authorization.

Compliance and Monitoring:

Monitoring will be done by the BLM during preconstruction, construction, and decommission to ensure that avoidance and minimization measures are appropriately implemented as outlined in the ROW stipulations.

Terms / Conditions / Stipulations: The terms, conditions and stipulations are attached as Exhibit B.

Plan Conformance and Consistency:

The Proposed Action and No Action Alternatives have been reviewed and found to be in conformance with the following BLM Land Use Plan and the associated decision(s):

The proposed action is in conformance with (43 CFR 1601.5-3, BLM 1601.08) California Desert Conservation Area (CDCA) Plan 1980, as amended by the Desert Renewable Energy and Conservation Plan (DRECP) 2016.

The proposed project site is located on lands managed by the BLM's Barstow Field Office. The project site is within the boundary of the DRECP Land Use Plan Amendment (LUPA) to the CDCA Plan of 1980, as amended. Within the DRECP, the Project Site is located within the Mojave Silurian Valley (MSV) California Desert National Conservation Land (CDNCL) and Dumont Dunes Special Recreation Management Area (SRMA). The project site is not within an Area of Critical Environmental Concern (ACEC), General Public Lands (GPL), Variance Process Lands (VPL), and Development Focus Area (DFA) designated area.

The proposed project is in conformance with the goals of the MSV CDNCL and SRMA. The proposed project has been sited to utilize previously disturbed lands and existing access roads to

reduce the amount of new ground disturbance. The disturbance of the MSV CDNCL is below the one percent disturbance cap. The new disturbance acreage will not exceed the 1% disturbance allowed for in the CDNCL unit.

Alternatives Considered:

Only the No Action and the Proposed Action Alternatives were carried forward for analysis. Other sites were considered but these locations were dismissed based upon their inability to provide the level of signal coverage required to meet the project's objectives.

Rationale for Decision:

Along State Highway 127 including the Dumont Dunes Off-Highway Vehicle (OHV) area wireless communication is sparse or non-existing. Dumont Dunes OHV is seasonally heavily visited by OHV recreationists. An additional communication site will improve the communication capability for the area.

In the no action alternative gaps in the wireless communication coverage would continue. Other locations were not analyzed because they would not provide the coverage needed.

The EA was listed in the BLM NEPA Register on June 1, 2018. One comment from the Desert Tortoise Council (DTC) was received during the comment period that ended on June 30, 2018. DTCs concern regarding desert tortoise and burrowing owl have been addressed with the projects' best management practices. One comment received on July 5, 2018 from Basin and Range Watch (BRW) was received after the comment period ended. BRW suggested to suspend the decision of the EA until review of DRECP has been completed. BLM will continue to manage the lands under its jurisdiction consistent with applicable law, regulation, policy and management plan (i.e., CDCA, as amended). BRW also raised a concern with visual resource impacts. The EA provides an adequate analysis of visual resources in order to make an informed decision. The Proposed Action includes best management practices to reduce impacts to visual resources and was found to be compliant with the VRM designation (Class II) for the area.

Tribal consultation was initiated with the Moapa Band of Paiute Indians, Timbi-sha Shoshone Tribe, and Las Vegas Tribe of Paiute Indians. BLM received no comments from the Tribes.

Administrative Remedies:

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4.

If an appeal is taken, your Notice of Appeal must be filed in this office (Barstow Field Office, 2601 Barstow Road, Barstow, CA 92311) within 30 days. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file a petition pursuant to regulation 43 CFR Part 4 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your Notice of Appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and petition for a stay must also be submitted to

each party named in this decision, the Board and to the Office of the Solicitor (Solicitors Office, U.S. Dept. of Interior, 2800 Cottage Way, Suite W-1834, Sacramento, CA, 95825) 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

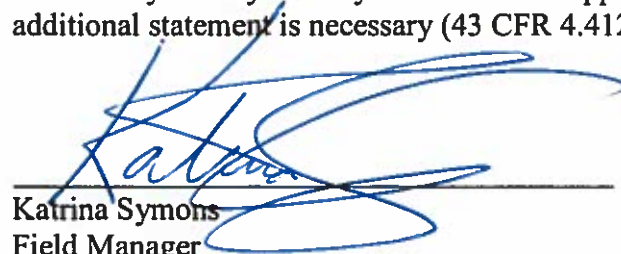
Standards for Obtaining a Stay:

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and;
- (4) Whether the public interest favors granting the stay.

Statement of Reasons:

Within 30 days of the filing of the Notice of Appeal, a complete statement of reasons why you are appealing must be filed with Board, 801 N. Quincy Street, MS300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appeal when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).



Katrina Symons
Field Manager
Barstow Field Office

Date



9/5/18

Attachment: Exhibit B

Exhibit B**CACA-55507****InterConnect Towers****Dumont Communication Site****Supplemental Stipulations****Standard Stipulation**

1. The holder shall post as directed by the Authorized Officer, the Bureau of Land Management (BLM) serial no. CACA-55507 assigned to this communication facility at the following location: on the perimeter fence/gat or visibly on the exterior of the main structure. The minimum metal sign size is at least 18" x 18" with a white background and at least 4" size black lettering. The sign must provide lessee identification information and an emergency contact telephone number.
2. The holder shall construct, operate, and maintain the facilities, improvements, roads and structures within their communication site in strict conformity with the plan(s) of development, which were approved and made part of the grant herein. Any relocation, addition construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete lease, including all stipulations and approved plan(s) of development, shall be made available on the facility site area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
3. The area designated for this site shall be disturbed as little as possible. Any excess soil removed from the excavation actions will be utilized for site leveling, or removed and disposed at an appropriate site.
4. The holder shall amend the lease at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization.
5. The holder shall within ninety (90) days following any authorized amendments or changes to the facility, submit proof of construction. Said proof shall include "as-built" drawings of site construction, location buildings, towers, roads, utility lines, and any building changes drawn by a certified engineer in support of the approved site plan design.
6. Upon completion of construction activities and installation of equipment, but prior to turning on equipment except for test purposes, holder shall submit to the BLM authorized officer a statement certifying that the improvements authorized by this amendment are constructed and operated according to Motorola R56 Standards (latest edition). Such statement shall be

signed by an individual certified to conduct R56 inspections, and shall accompanied by the individuals certification.

7. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way (communication site) without the prior written authorization of the Authorized Officer.
8. The Authorizing Officer may suspend or terminate in whole or part, any notice to proceed which has been issued when, in his/her judgement, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
9. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer. Appropriate Department of Transportation (DOT) approved safety signs may be posted to warn the general public or emergency personnel.
10. All areas authorized under this lease/grant shall be maintained in a sanitary condition at all times; waste materials shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, spare or damaged radio equipment/antennas/cables, excess construction materials, refuse, oil drums, petroleum products, ashes, and equipment.
11. All local, State and Federal ordinances, regulations and laws governing the release of Hazardous Materials and wastes shall be implemented. Any and all reportable releases shall be reported to the BLM within 24 hours of discovery of the release, at (760) 252-6000 and after hours or during weekends through the Federal Interagency Communication Center at (909)383-5651/5652. An Initial Report shall be faxed to the Authorized Officer within 24 hours of release discovery at (760)252-6099. A comprehensive follow-up report must be received by the BLM within (7) seven calendar days of the incident's discovery.
12. The site shall be locked and secured at all times. Fences not directly related to the security of the telecommunication equipment or structures are not permitted. Any fencing material shall be approved in writing, prior to installation by the authorizing officer. Metallic fencing shall be grounded to standards contained in Motorola's publication "Standards and Guidelines for communication Sites R56", most recent edition (a.k.a., Motorola R56 standards). Any fencing material shall be non-reflective, neutral medium gray or color blended to match the building and surrounding environment.
13. All new or modified structures shall meet the requirements of the latest codes governing designs of facilities as outlined in the Uniform Building Codes. All construction, operation, and maintenance of facilities shall meet specifications contained in Motorola's publication

“Standards and Guidelines for communication Sites R56”, most recent edition (a.k.a., Motorola R56 standards). All electric facilities, equipment, and their installation shall conform to the current National Electrical Safety Code and applicable laws and regulations.

14. The holder shall protect all survey monuments found within the right-of-way site. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
15. Should the tower require lights for aviation safety, the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA shall be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights shall be used. Unless otherwise required by the FAA, only white (preferable) or red strobe lights shall be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute (longest duration between flashes) allowable by FAA. The use of solid red or pulsating (beacon red warning is prohibited as it attracts night-migrating birds.
16. The antenna support structures (towers) shall be constructed of galvanized steel, and shall be self-supporting unless otherwise approved by the BLM authorized officer. All towers shall meet Electronics Industries Association Standard RS-222G, Structural Standards for Steel Antenna Towers. All metallic structural materials shall be galvanized, plated, or coated. Dissimilar metals will not be placed in contact with each other in such a manner that could create a galvanic junction.
17. All installations, antenna supports, etc., shall be constructed and maintained in a neat and safe condition in accordance with good engineering practices as accepted by industry and applicable laws. Antenna supports shall conform to the installation specifications of the tower manufacturer. Any variance from these standards shall be allowed only to the extent required because of local terrain or obstructions at the site and all variances shall conform to good engineering practice. All structures shall meet the requirements of the latest codes

governing designs of facilities as outlined in the Uniform Building Codes. All structures shall be designed to meet minimum loads for a wind velocity of 80 mph.

18. Any security lighting for on-ground facilities and equipment shall be down-shielded to keep light within the boundaries of the site.
19. By October 15th of each year, the holder must provide the authorized officer with a certified statement or inventory certification, listing all uses, by category of use, located within this facility on September 30th of that year.
20. The United States has strict liability and will not be held liable for any damage to the communication facility caused by the general public or as a result of fire, wind or other natural disasters or as a result of silvicultural practices, timber harvesting operations, or other actions stemming from the normal land management activities of the Bureau of Land Management.
21. The right-of-way herein granted is conditioned upon the submission to the Authorized Officer of a copy of an approved license and/or renewal license granted by the Federal Communications Commission (FCC) or Interdepartmental Radio Advisory Committee (IRAC) for each electronic station installation authorized by this grant or future amendment to this grant. A copy of the FCC or the IRAC authorization shall be submitted within 90 days of issuance of this grant or within 90 days following approval of an amendment to this grant. The Authorized Officer may grant an extension of up to 90 days, if requested in writing by the holder.
22. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW holder

23. This right-of-way shall be terminated within sixty (60) days after expiration or cancellation of the Federal Communications Commission (FCC) license or Interdepartmental Radio Advisory Committee radio frequency assignment, unless renewal is obtained within this period and a copy of such renewal is furnished to the authorized officer. Copies of all licenses for equipment in or on this facility covered by this lease shall be provided to this office.
24. At least 120 days prior to termination of the authorization, the lessee shall contact the BLM authorized officer to arrange a joint inspection of the lease. This inspection will be held to agree to an acceptable termination (and Rehabilitation) plan. This plan shall be prepared by the holder and shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or revegetation. The Authorized Officer must approve the plan in writing prior to the lessee's commencement of any termination activities.

Air Quality

25. Vehicle speeds during construction shall be limited to 25 miles per hour on the existing access road during construction, use, and maintenance. Small signs posting this speed limit would be placed at intervals along the road outside the OHV area.
26. Perennial vegetation will be maintained, where possible, during construction activities as to limit fugitive dust emissions.

Biological Resources

27. All activities, as determined appropriate on an activity-by-activity basis, will implement a worker education program that meets the approval of the BLM. The program will be carried out during all phases of the project (site mobilization, ground disturbance, grading, construction, operation, closure/decommissioning or project abandonment, and restoration/reclamation activities). The worker education program will provide interpretation for non-English speaking workers, and provide the same instruction for new workers prior to their working on site. As appropriate based on the activity, the program will contain information about:
- Site-specific biological and nonbiological resources.
 - Information on the legal protection for protected resources and penalties for violation of federal and state laws and administrative sanctions for failure to comply with LUPA CMA requirements intended to protect site-specific biological and nonbiological resources.
 - The required LUPA and project-specific measures for avoiding and minimizing effects during all project phases, including but not limited to resource setbacks, trash, speed limits, etc.

- Reporting requirements and measures to follow if protected resources are encountered, including potential work stoppage and requirements for notification of the designated biologist.
- Measures that personnel can take to promote the conservation of biological and nonbiological resources.

28. Designated biologist(s) (see Glossary of Terms), will conduct, and oversee where appropriate, activity-specific required biological monitoring during pre-construction, construction, and decommissioning to ensure that avoidance and minimization measures are appropriately implemented and are effective. The appropriate required monitoring will be determined during the environmental analysis and BLM approval process. The designated biologist(s) will submit monitoring reports directly to BLM.

29. Handling of Desert Tortoise is not authorized.

30. If a Desert Tortoise is found within the construction area, no activities will take place within 100 feet of the Desert Tortoise is found within the construction area, no activities will take place within 100 feet of the Desert Tortoise. The tortoise shall be allowed to move off site of its own accord.

31. Areas of allowed tower compound and staging area surface disturbance during construction and maintenance would be delineated and marked. All surface disturbances during construction and maintenance would be limited to the minimum area possible and any disturbance outside of that area restricted. This disturbance restriction would apply to the communication site and road alignment, as well as temporary staging and parking areas.

32. To the extent possible, construction would occur outside the typical avian breeding season (February 15 through September 15). If construction must occur during the general avian breeding season, a pre-construction nest survey would be conducted within the project area and a 500-foot buffer by a Biological Monitor (BM) no more than 3 days prior to the start of construction in any given area of the project area. Construction crews would coordinate with the BM at least 3 days prior to the start of construction activity in a given area to ensure that the construction area has been adequately surveyed. If no active nests are discovered, construction may proceed. If active nests are observed that could be disturbed by construction activities these nests and an appropriately sized buffer (typically a 500- foot buffer for non-raptor nests and at least a 500-foot buffer for raptor nests) would be avoided until the young have fledged and/or the monitor determines that no substantial impacts are anticipated to the nesting birds or their young. The BM would be responsible for coordinating with USFWS to determine if construction activities could disturb an active nest, the appropriately sized buffer to avoid active nests, and when nests are no longer active. If construction ceases for 14 or more consecutive days during the nesting season, repeat nesting bird surveys would be

required to ensure new nesting locations have not been established within the impact area and the defined buffers.

33. If ravens attempt to nest on the facilities, the applicant shall remove nests during the inactive period when eggs and nestlings are not present.
34. The applicant shall pay into the National Fish and Wildlife's Raven Fund commencement to the permanent loss of 2.29 acres (DRECP LUPA-BIO-6).
35. Construction-generated noise may result in disturbance to nesting migratory birds. The following measures would be incorporated to minimize noise generated from construction activities:
 - a. Heavy equipment would be repaired as far as practical from habitats where nesting birds may be present. The BM would determine where heavy equipment repair may take place onsite.
 - b. Construction equipment, including generators and compressors, would be equipped with manufacturers' standard noise-control devices or better (e.g., mufflers, acoustical lagging, and/or engine enclosures).
 - c. The construction contractor would maintain all construction vehicles and equipment in proper operating condition and provide mufflers on all equipment.

Cultural Resources

36. Protocol -Discovery of Human Remains in California

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR 8365.1-7]) require a defined protocol if human remains are discovered in the state of California regardless if the remains are modern or archaeological.

Upon discovery of human remains, all work within a minimum of 200 feet of the remains must cease immediately, nothing disturbed and the area is to be secured. The County Coroner's Office of the county where the remains were located must be called. The Coroner has two working days to examine the remains after notification. The appropriate land manager/owner or the site shall also be called and informed of the discovery. If the remains are located on federal lands, federal land managers/federal law enforcement/federal archaeologist are to be informed as well because of complementary jurisdiction issues. It is very important that the suspected remains and the area around them remain undisturbed and the proper authorities called to the scene as soon as possible as it could be a crime scene. Disturbing human remains is against federal and state laws and there are criminal/civil penalties including fines and/or time in jail up to several years. In addition, all vehicles and equipment used in the commission of the crime may be forfeited. The Coroner will determine if the bones are historic/archaeological or a modern legal case.

Modern Remains

If the Coroner's Office determines the remains are of modern origin, the appropriate law enforcement officials will be called by the Coroner and conduct the required procedures. Work will not resume until law enforcement has released the area.

Archaeological Remains

If the remains are determined to be archaeological in origin and there is no legal question, the protocol changes depending on whether the discovery site is located on federally or non-federally owned/managed lands.

Remains discovered on federally owned/managed lands

After the Coroner has determined the remains are archaeological or historic and there is no legal question, the appropriate Field Office Archaeologist must be called. The archaeologist will initiate the proper procedures under ARPA and/or NAGPRA. If the remains can be determined to be Native American, the steps as outlined in NAGPRA, 43 CFR 10.6 *Inadvertent discoveries*, must be followed.

Remains discovered on non-Federally owned/managed lands

After the Coroner has determined the remains on non-federally owned/managed lands are archaeological and there is no legal question, the Coroner will make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American he/she shall contact by telephone within 24 hours, the California Native American Heritage Commission (NAHC). The NAHC will immediately notify the person it believes to be the most likely descendent of the remains. The most likely descendent has 48 hours to make recommendations to the land owner for treatment or disposition of the human remains. If the descendent does not make recommendations within 48 hours, the land owner shall reinter the remains in an area of the property secure from further disturbance. If the land owner does not accept the descendant's recommendations, the owner or the descendent may request mediation by the NAHC.

Resumption of activity. The activity that resulted in the discovery of human remains may resume at any time that a written, binding agreement is executed between the BLM, lineal descendants, and/or the federally recognized affiliated Indian Tribe(s) that adopts a recovery plan for the excavation or removal of the human remains, funerary objects, sacred objects, or objects of cultural patrimony following 43 CFR §10.3 (b)(1) of these regulations. The disposition of all human remains and NAGPRA items shall be carried out following 43 CFR §10.6.

37. Any cultural and/or paleontological resource (historic/prehistoric site or object) discovered by the holder, or any person working on their behalf, on public or Federal land shall immediately be reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after

consulting with the holder. In the case of inadvertent finds of Native American human remains, the most likely effected tribe or tribes will be notified in addition to the notification of the Native American Heritage Commission and the coroner as provided by law.

Invasive Species Control measures

38. A monitoring and treatment plan would be developed for specific species, as appropriate.
39. Weed free gravel, base materials, and other imported earthen products would be procured and washed prior to transport to the project area.
40. A vehicle and equipment wash station would be located at an off-site area to minimize the inadvertent transport of noxious weed seeds into undisturbed areas. Mud and other material on equipment that could contain noxious weed seeds would be removed at a location where the equipment washing itself would not introduce noxious weeds into unaffected areas.
41. Soil disturbance would be minimized to include only those areas specifically required for construction and operation of the project.
42. Herbicides are not anticipated to be used to control invasive, nonnative plant species during construction, operation, or decommissioning of the Project. However, in the event herbicides are used, the Applicant would prepare a Pesticide Use Proposal (PUP) and await BLM approval prior to any herbicide use.

Hazardous Materials and Solid Waste

43. A hazardous fluid spill prevention plan would be implemented during construction and O&M, and would require that equipment operators and other personnel be informed of specific measures to be implemented in the event of a detected fluid leak, including the use of spill containment material, which would be carried with the equipment or vehicle.
44. Propane generators would be mounted on concrete-bermed foundation to contain spills or leaks that could occur during operation, fuel replenishment, and maintenance.
45. All construction debris and waste materials shall be removed from the site and disposed of at an approved facility in accordance with applicable regulations.

Noise

46. All on-site generators would include mufflers on the power units to minimize noise.

Paleontological Resources

47. The Project proponent shall retain the services of a qualified paleontologist with a BLM paleontology permit to design a paleontological resources Worker Environmental Awareness Program (WEAP). Prior to the start of ground disturbing activities, the WEAP shall be presented to all construction personnel and environmental inspectors to inform them of the possibility of fossil discoveries. The WEAP will describe the types of fossils that may be encountered and the procedures to be followed if potential fossils are unearthed during construction and a qualified paleontologist is not present.
48. In the unlikely event that subsurface bones, shells, or other potential fossils are unearthed during construction, work in the immediate vicinity (20' diameter) shall be temporarily suspended until the discovery is evaluated by a BLM-permitted paleontologist.

Traffic Control and Access

49. Traffic control measures (e.g., signage, cones) will be used in order to maintain through traffic motorized route network connectivity with roads and trails leading into and through the Dumont Dunes OHV Open Area.

Visual Resources

50. In general, select materials and surface treatments to repeat the form, line, color, and texture of the surround landscape. Use non-reflective materials, coatings, and/or paint.
51. All exposed metal surfaces will be comprised of a non-reflective material or coating; or painted a color that matches the characteristic landscape. Galvanized steel on structures would be allowed to naturally dull to prevent glare.
52. The exposed surfaces of the buildings, propane tanks, and other components will be galvanized steel or painted a color that matches the color of the characteristic landscape.
53. Use BLM Color Chart CC-001 as a starting guide for color selection. Colors should be one or two shades darker than the landscape.
54. Use below ground electric service where feasible. Above ground electrical poles, insulators, conductors, and associated components should be non-reflective material.
55. Exterior lighting should be shielded, downward focused, and activated by motion detectors.

56. Avoid cuts and fills when upgrading existing roads and constructing new road segments. Use an aggregate color that matches the surrounding landscape.
57. Retain as much of the existing vegetation as possible. Avoid straight line edges – scalloped, irregular cleared edges are more natural looking.
58. Promote early reclamation and quickly restore areas no longer needed after construction. Recontour disturbed areas to approximate natural slopes. Scarify/roughen cut slopes and recontoured areas. Salvage and replace rocks, brush, and wood debris. When reclaiming areas, use native vegetation to replicate the existing landscape.
59. Not-toxic coloring agents that mimic the dark weathering patterns on soil and rocks in arid environments will be used to reduce contrast created from disturbance along portions of the proposed access road visible from the Dumont Dunes OHV Open Area, particularly those areas requiring cut and fill along the upper reaches of the roadway. Stain application rates and color tint will be site specific, depending on the adjacent natural landscape. The stain can be applied with backpacks or from a truck-mounted sprayer. Perneon (Product of SoilTech, Las Vegas , Nevada) or similar for rocks and ACT (Product of SoilTech, Las Vegas, Nevada) or similar for soils may be used.

Water Quality

60. Where erosion and sediment loss could occur within disturbed areas, soil loss would be controlled through best management practices (BMP) such as erosion-control blankets/mats, gravel bags silt fencing, stabilized construction entrances, and scheduling management. Construction equipment staging and access and disposal or temporary placement of excess fill within drainages would be prohibited.
61. Slopes where erosion may occur would be protected with straw wattles or blankets. All straw wattles, straw bales, or hay bales would be certified weed-free.
62. Whenever possible, grading would be phased to limit soil exposure. Finished areas would be revegetated naturally through an in-situ seedbank.
63. BMPs would be regularly inspected and repaired. Damaged or worn silt fences, straw wattles, gravel bags, and other BMPs where needed would be replaced prior to rain events.
64. Equipment would be inspected daily to ensure proper functioning condition and to minimize the potential for fluid leaks. Fluids would be stored in appropriate containers on pallets, inside rubber berms, indoors, or under a cover, as would other materials that could impact storm water runoff. Equipment maintenance activities would be prohibited within the project area.

65. Approved self-contained portable toilets would be utilized during construction activity, and would be regularly maintained in a sanitary condition.

Lessee acknowledges by signing below, that he/she knows, understands and accepts the supplemental stipulations under which this communications use lease is issued.

Signature of Authorized Officer
InterConnect Towers, Inc.

Date

Printed Name

Title